

1888-019
Lee Co.

Chancery Causes: C. A. Jessee & vs. Emmit H. Russell &

Pruit, Zion, Garison

CA-Contract Dispute
T-Property

To the Honorable H. S. K. Monson, Judge of
the Circuit Court of the Co., 7th.

Humbly Complaining your
orators C. A. Jesse and Elijah Pruitt would
respectfully represent unto your honor that
Patterson Zion, who is now dead, in his life
time was the owner in fee of a tract or par-
cel of mountain land lying and being in
the county on the waters of Bailey's trace
and containing about 500 acres more or
less; that the said Patterson on or about
the day of 18 , and in his life
time, sold the same at the price of \$500
to your orators, executing to them his title
bond for the deed to the same, which
bond is here filed and marked "A"; that
your orators took possession of said land,
and have been and continued in possession
of the same ever since the day of purchase
almost, to the present.

Your orators would further show your
honor that the said Patterson before making
his deed in pursuance to his said title bond
died leaving surviving him his wife Mary
J., and two daughters, to wit: Rebecca J.R.,
and Susan. The said Susan married one
Chas. Garrison and the said Rebecca J.R. mar-
ried one G. W. Russell.

Your orators would further represent
unto your honor that the said Rebecca J.R. Rus-
sell also died sometime after the death of the
said Patterson, leaving surviving her, three in-
fant children, to wit: Emmet H. Russell, Doris

1 J. Russell and Rando C. Russell all three of
2 whom are infants under the age of 21 years.

3 Your orators will further show your
4 honor that- Char. & Susan Garrison, The said
5 Mary J. Zion and G. H. Russell all being
6 of lawful age have made and executed their
7 deeds to said land to your orators, which
8 are here filed and marked "B" & "C."

9 Your orators further state they have
10 paid the whole of the purchase money of said
11 land, except \$, of which sum \$
12 is due by your orator C. A. Jesse and
13 \$ is due by your orator Elijah Pruitt,
14 and which sum they are willing a vendor's
15 lien may be reserved in deed of course. The
16 payment.

17 Your orators are advised that on the
18 purchase of said land they were the equitable
19 owners of the same, while, the said Patterson
20 being in equity considered merely as a trustee
21 of the legal title to said land for your orators,
22 and that upon his death the legal title thereto
23 became vested in his said two daughters, subject
24 to the dower rights of the said widow, and who
25 held the legal title to the same in the same man-
26 ner and for the same purposes the said Patter-
27 son held the same after his said sale of said
28 land, and that when the said Rebecca J. R. Rus-
29 sell died then the legal title became vested by law
30 in the said Susan Garrison and the said infant-
31 heirs of the said Rebecca J. R. Russell also in the
32 same manner and for the same purposes the
33 said Patterson held the same.

Your orators would further show your honor that since this joint purchase of said land they have divided the same between themselves after the manner and by the merits and bounds set out in said deed of said Susan & Chas. Garrison, Mary J. Garrison and G. H. Russell heretofore filed and marked "B" & "C".

Now the object of this bill is to extract the legal title to said land that is in said infant children of the said Rebecca J. R. Russell, and by proper court. have the same conveyed by proper deeds, one moiety to your orator, E. A. Jesse, as set out by said deed herein filed marked "B", and the other moiety to your orator, Elijah Pruitt, as set by said deed herein filed marked "C". But the premises considered, your orators are advised they are unavailing in a court of law, hence they seek your honor's court of chancery for the performance and execution of the objects of this; their bill of complaint.

For the objects and purposes of this bill your orators pray that Emmet H., Doris L. and Rando L. Russell be made parties defendants to this bill; that, as they are all infants, a guardian ad litem be appointed to defend their rights in this cause, and that a decree be entered appointing a court, and directing him to convey such legal title that may be in said infants to said land to your orators, in the manner as was conveyed to them by said deed herein filed and marked "B & C". And

may all other further and general relief be granted
 of your orators as the nature of their cause
 and good conscience may require. And they
 will ever pray &c. May Spa - issue &c.

E. H. Remington
 P. q.

E. W. P.

Lo. A. C. Jones et al.

vs. J. B. in Chan

E. H. Remington

1888 Feb. Bill filed
 accepted by A. M. Remington
 G. A. C. for infant death

" W. A. C. A. C. filed &

Cause set for hearing,

" W. A. C. A. C. filed

Lo 7.58
 S. A. C. 5.00
 C. A. 15.00
 \$ 27.58
 Court 5.00
 \$ 32.58

The joint-careers of Emmet H., Roris
L. & Rando L. Russell, infants, by their
A. M. Gains their guardian ad litem
assigned to defend them ~~in~~ in this
suit; to a bill of complaint-filed
against them, in the circuit-court-
of Lee County by L. A. Jesse and
Elijah Pruitt:

The respondents answering to them -
reaver the benefit of all just-exceptions
to the said bill, for answer thereto or to so
much thereof as they ~~are~~ advised it is ma-
terial they should answer, by their
said guardian ad litem, answer and
says:- That they are infants of tender
years and by reason of their infancy are
incapable of understanding or taking
care of their rights and interests. They there-
fore by their said guardian, committing
themselves, their rights and interests to
the protection of the court; and pray that no
decree may be pronounced which will
tend to their prejudice. Now having fully
answered, the said respondents pray to be
hence dismissed with their reasonable
costs in this behalf expended, and they
will ever pray &c

A. M. Gains guardian ad
litem for said infants

C. A. Jesse et al

vs } N. G. A. L.

E. H. Russer et al

Filed at Marsh

Rules 1888.

J. A. Hyatt et al

C. A. Jesse et al. Compls.

vs.

E. H. Russell et al. defts.

In Chancery

This cause came on this day again to be heard upon the papers formerly read in the cause, the report of A. M. Goines, Comr. and deeds therewith filed; on consideration of all of which, and for reasons appearing to the Court said report is confirmed; and it is also ordered, adjudged and decreed that said deeds be, by the Clerk of this Court, transmitted to the Clerk of the County Court for recordation; and it is further ordered, adjudged and decreed that said A. M. Goines, Comr. be allowed the sum of five dollars, to be paid by said plaintiffs; and it is further ordered, adjudged and decreed that the defendants in this cause recover from said plaintiffs the sum of eighty dollars and 72 cents, with interest thereon from the 2nd day of April, 1888, the amount due by them on the purchase price of said land, for the collection of which execution may issue, and said sum when so collected is to be applied to the payment of the costs in this suit, and if any thing is left after the costs are paid then the residue to be paid to the guardian of said defendants. The pay-

ment of the said sum of \$82.77 shall ex-
tinguish the debt and lien reserved in
Comr. Goins' deeds in favor of said de-
fendants, and if the said sum of \$82.77
be not sufficient to pay the costs in
this cause then said defendants are de-
creed to pay the residue thereof. And
this cause is stricken from the
docket.

L.B. J. v. J. v. J.
vs J. v. J.

L. H. v. J. v. J.

Enter this case
page 131
Wyatt C. C.

Enter this case
April 5 1888.
W. A. M.

1 C. A. Jesse et al Complt.

2 vs.

3 E. H. Russell et al Defts.

} In Chancery

4 This cause came on this day
5 to be heard upon the bill of Complt., exhibits
6 filed therewith and the answer of Emmet H.,
7 Doris J. and Rands R. Russell ^{A. M. Going} infants by their
8 guardian ad litem: On consideration of all of
9 which and for reasons appearing to the court
10 it is therefore ordered, adjudged and decreed
11 That- A. M. Going, who is hereby appointed
12 a comr. for the purpose, do convey by prop-
13 er deeds whatever interest, right or title the
14 said infants may have in the land in the bill
15 and proceedings mentioned to said Complt.,
16 one moiety by the metes and bounds as is
17 set out in exhibit "B" of this cause to C. A.
18 Jesse, and the other moiety by the metes and
19 bounds as is set out exhibit "C" of this cause to
20 Elijah Pruitt. And he will report his ac-
21 tion to this court before its adjournment.

C. A. Jones et al

v1 } Decree no. 81

E. H. Russell et al

Entered Chancery
"C. B. Jones" 12th
Bryant C. C.
()

Enter this decree

April 1, 1888.

C. B. Jones
()

To the Hon. W. S. K. Morrison, Judge of the
Circuit Court of Lee County, Va.;

Pursuant to a decree pronounced and entered in the Chancery cause of C. A. Jesse and Elijah Pruitt, complainants, against E. H. Russell et al., & the undersigned, was, on the 1st day of April, 1888, appointed a comr. for the purpose of conveying whatever right, title or interest the defendants in said cause might have in the lands mentioned in the bill and proceedings of said ^{cause}, & beg leave to report to your Honor, that, on the day of April, 1888, I made and executed my two several deeds - the first to C. A. Jesse, the second to Elijah Pruitt, and in each deed conforming to said decree of the Court. Said deeds are herewith filed for the inspection of the Court, and it is recommended to the Court that the execution of said deeds be confirmed, and upon the confirmation thereof they be directed to be registered in the proper office for the registration of deeds and then delivered to said parties entitled thereto. All of which is hereby respectfully submitted.

A. M. Goins,
Comr.

Lo. A. J. Russell
vs } Report of
Cour. House

E. H. Russell Hall

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

Emmitt H. Russell

*Davis D. Russece and Rando
L. Russece*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday
in *February* next, being rule day to answer a bill in Chancery exhibited in our said Court
against *them* by *H. A. Jesse*

and Elijah Pruitt

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *31st* day of *January* 18*88*, in the 11*2* year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

(E. W. D.)

C. H. Jesse et al

vs } Spain & Key

Emmet H. Russell et al

To February Rules 1888.

I accept legal
service of this sum-
mons on the part
of and for E. H.,
D. L. & R. L. Russell
Jan 25th 1888.

A. M. Hains

G. A. R. for
said parties